

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED-CLERK
U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

JETTE SCOTT, Individually & as Guardian
of Jennifer Scott, an Incapacitated Adult

V.

VOLKSWAGEN AG, ET AL.

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CIVIL NO. 2:03-CV-218(TJW)

BY _____

DOCKET CONTROL ORDER

In accordance with the case scheduling conference held herein on the 22nd day of March, 2004, it is hereby

ORDERED that the following schedule of deadlines is in effect until further order of this court:

November 1, 2004	Jury Selection - 9:00 a.m. in Marshall, Texas
October 25, 2004	Pretrial Conference - 9:00 a.m. in Marshall, Texas
October 22, 2004	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict
October 20, 2004	Motions in Limine (due three days before final Pretrial Conference) Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, 903/935-2295 . The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference.
October 1, 2004	Pretrial Disclosures due

October 15, 2004	Pretrial Objections due
October 1, 2004	Response to Dispositive Motions (including <i>Daubert</i> Motions). ¹ Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
September 24, 2004	For Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
September 10, 2004	Discovery Deadline
October 22, 2004	Defendant to Identify Trial Witnesses
October 15, 2004	Plaintiff to Identify Trial Witnesses
September 10, 2004	Defendant to Answer Amended Pleadings
August 13, 2004	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after August 13, 2004.)
September 16, 2004	Mediation to be completed
July 23, 2004	Defendant to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.

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The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **15 days** in which to serve and file supporting documents and briefs after which the court will consider the submitted motion for decision.

June 25, 2004

Plaintiff to Designate Expert Witnesses
Expert witness report due
Refer to Local Rules for required information.

May 21, 2004

Privilege Logs to be exchanged by parties
(or a letter to the Court stating that there are no disputes as to claims of privileged documents).

May 6, 2004

Join Additional Parties


IT IS FURTHER ORDERED that the parties shall inform the Court, fifteen (15) days from the Scheduling Conference, the name, address, telephone number and fax number of an agreed mediator. If the parties are unable to agree, the Court will appoint a mediator in the above referenced case.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 23rd day of March, 2004.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE